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10/630,867

07/31/2003

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APP-105

9089

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09/14/2007

EXAMINER

LIU, ALAN Y

ART UNIT

PAPER NUMBER

3609

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/630,867

Applicant(s)

YU ET AL.

Examiner

Alan Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07/31/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/3/2003, 5/11/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-20, as originally filed, are currently pending and have been considered below.

#### *Drawings*

2. Figure 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1311 (Figures 13, 15), 3210 (Figures 32, 33, 34, 39), 3701-3703 (Figure 37), 3705-3707 (Figure 37), 3708 (Figures 37, 38), 3712 (Figures 37, 39), 3713 (Figure 37), 3801 (Figure 38), 3812 (Figures 38-39), 3920-3922 (Figure 39), 3930 (Figures 39, 41, 46), 3931 (Figure 46), 3950 (Figure 39), 3980 (Figure 39), 4620 (Figure 46), 4701-4705 (Figure 47), 4715 (Figure 47), 4722-4724 (Figure 47), 4811-4815 (Figure 48), 4910-4911 (Figure 49), 4920 (Figure 49), 4922-4923 (Figure 49), 4933-4934 (Figure 49), 4935 (Figure 49). Corrected drawing sheets in compliance with 37 CFR 1.121(d),

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or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: On page 14, paragraph 0076, "image device" should have reference character 120, not 110.

Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: On page 62, paragraph 0272, "network data center" should have reference character 3230, not 3210.

Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: On page 74, paragraphs 0343 to 0345, "steps" should have reference characters 5505, 5506 and 5507, not 5605, 5606, and 5607.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "camera" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-5, 8-10, 14-17, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Stinson et al. (6,786,398).

As per claim 1, Stinson et al. teaches a method for determining identities of transaction parties (see Abstract) comprising:

capturing a transaction image of a transaction party conducting a transaction at a transaction device at the time of the transaction (col. 8, lines 25-28);

associating a transaction image with transaction information generated by the transaction device (col. 9, lines 49-63);

using the transaction image to verify whether the transaction party has an authority to conduct the transaction (col. 8, lines 22-25).

As per claim 2, Stinson et al. teaches cross-referencing the transaction image with the transaction information at the time of the transaction (col. 9, lines 35-63).

As per claim 3, Stinson et al. teaches that the transaction information includes information related to one or more of date and time of the transaction (col. 13, lines 47-55).

As per claim 4, Stinson et al. teaches that the transaction information includes information related to the transaction device (col. 13, lines 47-55).

As per claim 5, Stinson et al. teaches a method for processing transactions (see Abstract) comprising:

storing an authenticated image of a person authorized to conduct transactions at a transaction device (col. 2, lines 18-20);

capturing a transaction image of a transaction party conducting a transaction at the transaction device during the transaction (col. 8, lines 25-28);

comparing the transaction image with the authenticated image to determine whether the transaction party shown in the transaction image is the person shown in the authenticated image (col. 8, lines 22-25).

As per claim 8, Stinson et al. teaches that the comparing is performed before the transaction is approved (col. 2, lines 5-12).

As per claims 9 and 10, Stinson et al. teaches approving/denying the transaction based on a result of the comparing (col. 2, lines 5-12 via whether to accept or reject the check).

As per claim 14, Stinson et al. teaches a system having:

a transaction device configured to generate transaction information associated with a transaction performed by a transaction party, wherein the transaction information is associated with a reference number (col. 7, lines 66-67; col. 8, lines 1-6);

an image device coupled to the transaction device, wherein the image device is configured to capture a transaction image of the transaction party while the transaction party is conducting the transaction at the transaction device, wherein the transaction image is associated with the reference number (col. 8, lines 22-28);

a database coupled to the image device, wherein the database is configured to store the transaction image, wherein the transaction image is retrievable from the database using the reference number (col. 8, lines 22-28).

As per claim 15, Stinson et al. teaches the transaction device is an electronic device that is configured to verify identity of transaction parties electronically (see Abstract, via automatic check-cashing unit).

As per claim 16, Stinson et al. teaches the transaction device is an automatic teller machine (see Figure 5B).

As per claim 17, Stinson et al. teaches the transaction device is a point of sale terminal (see Figure 5B).

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As per claim 19, Stinson et al. teaches the image device is a camera (col. 2, lines 15-18).

As per claim 20, Stinson et al. teaches the camera is a video recording device (col. 2, line 27).

11. Claims 14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnes et al. (2002/0198731).

As per claim 14, Barnes et al. teaches a system having:

a transaction device configured to generate transaction information associated with a transaction performed by a transaction party, wherein the transaction information is associated with a reference number (page 3, paragraph 0031);

an image device coupled to the transaction device, wherein the image device is configured to capture a transaction image of the transaction party while the transaction party is conducting the transaction at the transaction device, wherein the transaction image is associated with the reference number (page 3, paragraph 0031);

a database coupled to the image device, wherein the database is configured to store the transaction image, wherein the transaction image is retrievable from the database using the reference number (page 3, paragraphs 0026-0027 and 0029; Figure 4).

As per claim 18, Barnes et al. teaches the transaction device is a passport scanning machine (see Abstract; page 4, paragraph 0036).



***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al. (6,786,398) in view of Chen et al. (5,761,329).

As per Claim 6, Stinson et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose that the authenticated image is captured when the person is authorized to use the transaction device.

Chen et al. teaches the authenticated image is captured when the person is authorized (col. 1, lines 37-48; col. 2, lines 8-12; via stored feature vector of a validated individual which is first created by the individual for the purposes of subsequent authentication).

From this teaching of Chen et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of processing

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transactions of Stinson et al. to include capturing the authenticated image when the person is authorized to use the transaction device taught by Chen et al. in order to achieve subsequent authentications.

As per Claim 7, Stinson et al. discloses all elements of the claimed invention as written above, but fails to expressly disclose that the authenticated image is one of previously undisputed transaction images.

Chen et al. teaches the authenticated image is one of previously undisputed transaction images (col. 1, lines 37-48; via a validated user is undisputed).

From this teaching of Chen et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of processing transactions of Stinson et al. to include having the authenticated image be one of previously undisputed transaction images taught by Chen et al. in order to determine the authenticity of an individual.

15. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinson et al. (6,786,398) in view of Chen et al., as applied to claim 6 above, and further in view of DePietro et al. (6,601,045).

As per Claim 11, the Stinson et al. and Chen et al. combination discloses all elements of the claimed invention, but fails to expressly disclose that the comparing is performed after the transaction has been concluded.

DePietro et al. teaches the comparing is performed after the transaction has been concluded (col. 20, lines 42-45).

From this teaching of DePietro et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of processing transactions of the Stinson et al. and Chen et al. combination to include comparing after the transaction has been concluded taught by DePietro et al. in order to reduce disputes over transactions (col. 1, lines 59-67; col. 2, lines 1-6).

As per Claim 12, the Stinson et al. and Chen et al. combination discloses all elements of the claimed invention, but fails to expressly disclose that the comparing is performed for resolving a dispute related to the transaction.

DePietro et al. teaches the comparing is performed for resolving a dispute related to the transaction (col. 20, lines 45-47).

From this teaching of DePietro et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of processing transactions of the Stinson et al. and Chen et al. combination to include comparing for resolving a dispute related to the transaction taught by DePietro et al. in order to reduce disputes over transactions (col. 1, lines 59-67; col. 2, lines 1-6).

As per Claim 13, the Stinson et al. and Chen et al. combination discloses all elements of the claimed invention, but fails to expressly disclose that the comparing is performed for investigating illegitimate transaction purposes.

DePietro et al. teaches the comparing is performed for investigating illegitimate transaction purposes (col. 20, lines 45-47, via misappropriation).

From this teaching of DePietro et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of

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processing transactions of the Stinson et al. and Chen et al. combination to include investigating illegitimate transaction purposes taught by DePietro et al. in order to reduce disputes over transactions (col. 1, lines 59-67; col. 2, lines 1-6).

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ramachandran et al. (6,023,688) discloses a transaction apparatus that identifies an authorized user by appearance.

Payne (6,072,894) discloses biometric facial comparison for screening of applicants for new checking accounts.

Berube et al. (7,130,454) discloses a real-time facial recognition and verification system.

Rozlosnik et al. (7,185,804) discloses a secure depository system with a data store for inputs provided by authorized users, including captured images of users.

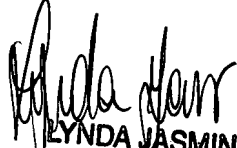
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Liu whose telephone number is 571-270-5113. The examiner can normally be reached Monday through Thursday, 8:30AM-6:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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 9/11/07  
LYNDA JASMIN  
SUPERVISORY PATENT EXAMINER